

### REMARKS/ARGUMENTS

The Office Action of December 29, 2003, has been carefully considered.

It is noted that claims 1, 3, and 5-12 are rejected under 35 U.S.C. §102(b) over the patent to Morris.

At this point, Applicant wishes to thank the Examiner for taking the time to meet with Applicant's representative to discuss this case personally with him. Furthermore, Applicant wishes to thank the Examiner for the constructive comments made during the interview for furthering the case along.

As discussed during the interview, Applicant has amended independent claim 1 to recite that there is a plate or lamella-free zone immediately above and below the array. Furthermore, claim 3 and claim 9 have been amended to recite that the plates in the array do not form a stepped arrangement.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, the patent to Morris discloses a method and apparatus for cleaning or grading sand. This reference has been discussed in depth in prior Amendments and rather than repeat those arguments here, Applicant incorporates them herein by reference.

As was discussed during the interview, and as agreed to by the Examiner, Morris does not disclose a lamella or plate-free zone immediately above and below each array. Morris clearly shows an arrangement in which an array is followed immediately by another array of plates. There is no disclosure of a plate-free zone as in the presently claimed invention. Furthermore, there is no disclosure of an arrangement of the plates in the array so that they are not stepped, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1, 3, and 5-12 under 35 U.S.C. §102(b) of the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First-class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 28, 2004:

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Date of Signature

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Respectfully submitted,

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